IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

Crl.MC.No. 3710 of 2005()

F.I.R NO.275 OF 2005 OF THRISSUR EAST POLICE STATION

PETITIONER:

---

1. RAJ KRISHNAN, S/O.KARUNAKARAN,
"KRISHNA", KOTTIYATTIL HOUSE, T.C.33/1686,
KINAR JUNCTION, KOORKENCHERY VILLAGE,
THRISSUR TALUK, THRISSUR DISTRICT.

2. KRISHNA RAJ, S/O.KARUNAKARAN,
"KRISHNA" KOTTIYATTIL HOUSE, T.C.33/1686,
KINAR JUNCTION, KOORKENCHERY VILLAGE,
THRISSUR TALUK, THRISSUR DISTRICT.

BY ADV. SRI.P.A.CHANDRAN

RESPONDENTS:

---

1. SHAHUL HAMEED, CIRCLE INSPECTOR OF
POLICE, TOWN EAST CIRCLE POLICE STATION,
THRISSUR.

2. THE SUB INSPECTOR OF POLICE,
TOWN EAST POLICE STATION, THRISSUR.

3. THE DISTRICT SUPERINTENDENT OF POLICE,
THRISSUR.

4. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 04/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3710 of 2005

Dated this the 4th day of April, 2007

ORDER

The petitioners are brothers. The 2nd petitioner is the registered owner of a car bearing No.KL08/AB 6598. The 2nd petitioner, the owner of the car was a student at Bangalore at the relevant time. His brother, the 1st petitioner lodged an F.I statement raising allegation that the car kept in the garage of their house was found missing on the night of 05.03.05. Accordingly, a crime has been registered and the investigation was conducted.

2. In the course of investigation, the police appear to have come to the conclusion that there was no theft as alleged and it was only a false F.I.S lodged by the petitioners in collusion to cover up the real state of affairs. Accordingly, after investigation, Annexure-4 report has been filed arraying both the petitioners as accused and deleting the offence under Section 379 I.P.C and adding the offence under Sections 468 and 201 I.P.C.

3. The petitioners are aggrieved by the fact that on the complaint lodged by the 1st petitioner, the petitioners have been arrayed as accused. The petitioners have various grievances to raise. They contend that Annexure-IV does not give all the relevant details. They further contend that the 1st respondent, the Investigating Officer

was actuated by ulterior motives. The 2nd respondent, the local Sub Inspector of Police has also interest in the matter. The 1st and 2nd respondents in collusion are attempting to shield and cover the son of the 2nd respondent and his friends, who the petitioners now allege had connections with the crime of theft of the vehicle. In these circumstances, the petitioners have come to this Court with this petition under Section 482 Cr.P.C.

4. Having heard the learned counsel for the petitioners and the learned Public Prosecutor in detail and having perused the records, I am satisfied that in the peculiar facts and circumstances of this case, appropriate directions can be issued, which shall ensure the interests of a fair, efficient and expeditious investigation and shall also allay the apprehensions aired by the petitioners.

5. In the result, this Crl.M.C is allowed in part. The following directions are issued.

i) The investigation of Crime No.275 of 2005 of Thrissur East Police Station shall hereafter be conducted by an officer to be chosen by the 3rd respondent not below the rank of a Deputy Superintendent of Police.

ii) Respondents 1 & 2 shall hereafter have no role in the investigation of the crime. Necessary orders to this effect shall be issued by the 3rd respondent within a period of 30 days under

intimation to the counsel for the petitioner. All necessary steps shall be taken to complete the investigation as expeditiously as possible - at any rate, within a period of four months from the date on which the new Investigating Officer takes over the investigation.

(R.BASANT, JUDGE)

rtr/-